

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket № 14184US02)**

In the Application of:)
Ed H. Frank) ***Electronically Filed on 16-JAN-2008***
Serial No. 10/658,142)
Filed: September 9, 2003)
For: METHOD AND SYSTEM FOR)
LOCATION BASED CONFIGURATION)
OF A WIRELESS ACCESS POINT)
(WAP) AND AN ACCESS DEVICE IN A)
HYBRID WIRED/WIRELESS)
NETWORK)
Examiner: Jung H. Park)
Group Art Unit: 2619)
Confirmation No. 5401)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant requests review of the final rejection in the above-identified application, stated in the final Office Action mailed on October 16, 2007 (hereinafter, the Final Office Action) with a period of reply through January 16, 2008. The Applicant also requests review of the arguments stated on page 2 of the Advisory Office Action mailed on December 31, 2007 (hereinafter, the Advisory Office Action). No amendments are being filed with this request.

This request is being filed with a Notice of Appeal. The review is being requested for the reasons stated on the attached sheets.

REMARKS

The present application includes pending claims 1-32, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-9, 11-19, 21-29, 31 and 32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,875,185, issued to Wang et al. (hereinafter, Wang). Claims 10, 20 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, in view of U.S. Patent No. 7,200,673, issued to Augart (hereinafter, Augart). The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

I. Examiner's Response to Arguments in the Final Office Action and the Advisory Office Action

The Examiner states the following in the Final Office Action:

At page 20, with respect to claim 1, applicant argues that Wang fails to disclose, "identifying a location of a network device within the hybrid wired/wireless network, the network device being movable within the hybrid wired/wireless network." In reply, the claim limitations of "identifying a location of a movable network device within the hybrid wired/wireless network, the network" read on "moving of MTa using location message between old BS and new BS as described in 104 fig.9A and shown in fig 4. Therefore, the examiner respectively disagrees.

See the Final Office Action at page 6. The Applicant points out that the Examiner uses the same reasoning in page 2 of the Advisory Office Action. The Applicant respectfully disagrees with the above argument. Referring to FIGs. 4 and 6 of Wang, the Applicant points out that **the only network device that is "movable" within the network is the mobile terminal (MT) or cell (C) 64**. The base stations (BS) 60a, 60b, as well as the switches 54, 58 that are used during handoff, are all stationary. The Applicant fails to see how "moving of MTa using location message between old BS and new BS" reads on "identifying a location of a network device," as recited in Applicant's claim 1. As already stated in the July 30, 2007 response, in step 104 of FIG. 9A, **Wang discloses that a "location message" is issued to the original base station BS_{ORIG}. However, this "location message" contains the location of the new base station BS_{NEW}, and it does not contain the location of the mobile terminal (MT_a).**

In the Advisory Office Action, the Examiner states that the "location of BSnew is equivalent to location of the MT." This statement is erroneous on its face since it is common knowledge that a base station covers a specific area (e.g., a circle with a specific radius around the base station), and the MT may be in any location within the coverage area of the base station. Obviously, the Examiner's statement in the Advisory Office Action is erroneous.

Therefore, since Wang does not identify a location for any of the mobile terminals, the Applicant maintains that Wang does not disclose or suggest at least the limitation of “identifying a location of a network device within the hybrid wired/wireless network, the network device being movable within the hybrid wired/wireless network,” as recited by the Applicant in independent claim 1.

II. Wang Does Not Anticipate Claims 1-9, 11-19, 21-29, and 31-32

A. Rejection of Independent Claim 1 under 35 U.S.C. § 102 (b)

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), the Applicant submits that Wang does not disclose or suggest at least the limitation of “identifying a location of a network device within the hybrid wired/wireless network, the network device being movable within the hybrid wired/wireless network,” as recited by the Applicant in independent claim 1.

The Final Office Action states the following with regard to claim 1:

Regarding claims 1 and 21, Wang discloses a method [and a system] for providing location based configuration in a hybrid wired/wireless network, the method comprising: - identifying a location (using location message, see 104-108 fig.9A) of a network device (one of MT, BS, & Switch, see fig.4) within the hybrid wired/wireless network (as shown in fig.4);

See the Final Office Action at page 2. The Final Office Action relies for support on steps 104-108 in Figure 9a of Wang. Wang discloses the following with regard to Figure 9a:

FIGS. 9a and 9b are a flow chart of a preferred handoff method 100 according to the inventive method. The preferred method begins when mobile terminal MT_a moves from a previous coverage area C_i covered by BS_{ORIG} to a new coverage area C₁ covered by BS_{NEW} (step 102). When this happens MT_a issues two messages. **It issues to BS_{ORIG} a "location message" containing the location of BS_{NEW}. It issues to BS_{NEW} a "connection message" containing VCC_{k,a}, where k=1,2, . . . n** (step 104). When BS_{ORIG} receives the "location message", it issues to the switch to which it is connected, via of the handoff VC, a "routing message" containing VCC_{k,a}, the location of BS_{ORIG}, and the location of BS_{NEW} (step 106). The switch to which BS_{ORIG} is connected compares the location of BS_{ORIG} and the location of BS_{NEW} and determines if MT_a's mobility is intra- or inter-switch (step 108).

See Wang, col. 8, lines 30-45 (emphasis added). Initially, the Applicant points out that Figure 9a of Wang describes a “seamless handoff method” and it is not related to providing location based configuration in a hybrid wired/wireless network. More specifically, Wang uses virtual channel connections (VCCs), which are identified by VCC characteristics, to achieve the seamless handoff.

The Applicant points out that the “location message” of Wang is for purposes of identifying the location of a base station BS_{NEW} (the Final Office Action is apparently equating the “network device” limitation of Applicant’s claim 1 with the base station BS_{NEW}). **Since a base station, such as BS_{NEW}, as well as its corresponding switch, such as switch 54, are all stationary and are**

not movable within the wireless network, the “location message” disclosed by Wang in Figure 9a does not identify a location of a network device within a hybrid wired/wireless network, where the network device, identified by the Final Office Action as BS_{NEW}, is movable within the hybrid wired/wireless network. Since the only movable network device is the mobile terminal MT, the Applicant points out that Wang is silent as to identifying a location of the mobile terminal MT.

Therefore, the Applicant maintains that Wang does not disclose or suggest at least the limitation of “identifying a location of a network device within the hybrid wired/wireless network, the network device being movable within the hybrid wired/wireless network,” as recited by the Applicant in independent claim 1.

Furthermore with regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), the Applicant submits that Wang does not disclose or suggest at least the limitation of “determining configuration information corresponding to said determined location of said network device,” as recited by the Applicant in independent claim 1. In page 2 of the Final Office Action, the Examiner is equating Applicant’s “configuration information” with Wang’s “connecting message.” The Applicant points out that, as stated in step 104 of Wang’s FIG. 9a, the “connecting message” consists of virtual channel connection (VCC) information. Furthermore, in instances of intra-switch signal processing (e.g., FIG. 4 of Wang), the virtual channel is used between a base station and a switch. See Wang, col. 6, lines 7-9. In instances of inter-switch signal processing (e.g., FIG. 6 of Wang), the virtual channel is used only between the base stations. See Wang, col. 7, lines 18-19. In this regard, **in both signal processing scenarios disclosed by Wang, the VCC corresponds only to a base station and/or a switch and it does not correspond to any of the MTs.** Therefore, the Applicant maintains that Wang does not disclose or suggest at least the limitation of “determining configuration information corresponding to said determined location of said network device,” as recited by the Applicant in independent claim 1.

Furthermore with regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), the Applicant submits that Wang does not disclose or suggest at least the limitation of “communicating said determined configuration information to said networking device for providing location based configuration of said network device,” as recited by the Applicant in independent claim 1. The Final Office Action relies for support on step 106 in Figure 9a of Wang. Step 106 in Figure 9a of Wang discloses that after BS_{ORIG} receives the “location message”, **it issues to the switch** to which it is connected, a “routing message” containing VCC_{k,a}, the location of BS_{ORIG}, and the location of BS_{NEW}. The Applicant points out that **the “routing message” is issued to the switch, i.e., it is not issued or communicated to the base station BS_{NEW}**, which the Final Office Action has equated to Applicant’s “network device.” Furthermore, the Applicant points out

that the “routing message” contains information that is used for establishing a handoff between two base stations and it is not used to configure a network device, as recited in Applicant’s claim 1.

Therefore, the Applicant maintains that Wang does not disclose or suggest at least the limitation of “communicating said determined configuration information to said networking device for providing location based configuration of said network device,” as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Wang and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1.

The Applicant maintains the arguments relating to the rejection of dependent claims 2-9, 12-19, 22-29, 31 and 32 under 35 U.S.C. § 102(e), as well as the rejection of claims 10, 20, and 30 under 35 U.S.C. § 103(a), as stated in the December 12, 2007 response.

III. Conclusion

The Applicant respectfully submits that claims 1-32 of the present application should be in condition for allowance at least for the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Date: 16-JAN-2008

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